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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

In re Application of:  
I.J. Najmuddin

Serial No.: 10/081,090

Filed: February 22, 2002

For: **METHOD AND APPARATUS  
FOR DETECTING  
FRACTURES USING  
FREQUENCY DATA DERIVED  
FROM SEISMIC DATA**

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Atty. Docket No.: 94.0048

Group Art Unit: 2862

Examiner: T. Hood

MAIL STOP PETITION  
COMMISSIONER OF PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**CERTIFICATE OF MAILING (37 C.F.R. 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mark B. Wisher, Registration No. 30,603

October 30, 2006  
Date

**RESPONSE TO DECISION ON REQUEST FOR  
RESTART OF TIME FOR PAYMENT OF ISSUE FEE**

Dear Sir:

In timely response to the Decision on Applicant's Request for Restart of Time for Payment of Issue Fee (Applicant's "Request for Restart") mailed in the captioned application on September 1, 2006, and in accordance with the requirements of MPEP §711.03(c) and 1156 Official Gazette 53 (November 16, 1993), Applicant requests that the following information be entered in the application and that Applicant's Request for Restart/petition under 37 C.F.R. 1.137 be reconsidered in light of this information.

As set out in the above-referenced citation from the Official Gazette, a request for restart of the time to respond to an Office communication under 37 C.F.R. 1.181 must be accompanied by (1) a statement that the Office action was not received, (2) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received, and (3) a copy of the docket record where the nonreceived Office action would have been entered and docketed had it been received that is attached to and referenced in the practitioner's statement. The below-signed Attorney for Applicant has already stated (see the Request for Restart) that the Office action was not received, and re-asserts that statement in

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response to the Decision (item (1)). Applicant's Attorney hereby states that his February 7, 2006 search of the file jacket and docket records indicates that the Office action was not received (item (2)) (attention is also directed to the statement in Applicant's Request for Restart that the Notice of Allowance and Fee(s) Due/Notice of Allowability was received by Applicant's Attorney on February 7, 2006). Attached as Exhibit A to this Request is a copy of the page from Applicant's Attorney's docket record where the nonreceived Office action would have been entered and docketed had it been received (item (3)). Note that if the nonreceived Office action had been received, it would have been identified on Exhibit A by the file number utilized by Applicant's Attorney, GEOA,157, and it would have been listed as being due on March 17, 2005.

Please note that this Response to the September 1, 2006 Decision is intended as a showing of the evidence required to establish nonreceipt of the Notice of Allowance and Fee(s) Due/Notice of Allowability in support of a petition under 37 C.F.R. 1.181, and not as a response to a decision on a petition to revive an unintentionally abandoned application under 37 C.F.R. 1.137. As noted in the September 1, 2006 Decision, there is, however, one other item that needs attention in the application. At the bottom of the second page of the Decision, it is noted that there is no indication that corrected formal drawings were submitted in the application such that the application cannot be treated as a petition to revive under 37 C.F.R. 1.137 until corrected drawings are submitted. As set out above, it is not intended that any of the papers filed in this application should be treated as a petition to revive. However, formal drawings apparently have not been filed in the application such that even when the evidence required to establish nonreceipt of the Notice of Allowance and Fee(s) Due/Notice of Allowability is made of record in support of Applicant's petition under 37 C.F.R. 1.181, the application is still in need of formal drawings. Unfortunately, the below-signed Attorney is not able to provide those drawings at this time, having transferred the file for this application back to the client in early 2006. The undersigned Attorney is therefore forwarding copies of the September 1, 2006 Decision and this Response to the client with a letter of explanation so that the client can provide the corrected formal drawings. If an extension of the time for response to the September 1, 2006 Decision is needed for entry of the formal drawings when they are submitted by the client, a request for a one-month extension (until December 1, 2006) is respectfully requested and the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (GEOA,157) in the amount of the \$120.00 fee.<sup>1</sup>

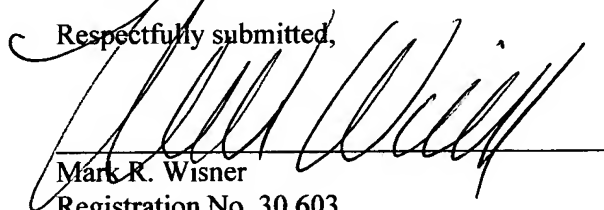
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<sup>1</sup> Please note that the request for extension of time set out herein is a request for a one-month extension of the time to respond to the September 1, 2006 Petition Decision, not a request for an extension of time to respond to the November 17, 2004 Notice of Allowability.

In the event Applicant's Request for Restart was construed as a petition to revive an unintentionally abandoned application under 37 C.F.R. 1.137 such that the Wisner & Associates Deposit Account No. 50-0965 was debited with the fee for filing such a petition, Applicant respectfully requests a refund of the petition fee under 37 C.F.R. 1.26. This request for refund is being made because this Response to the September 1, 2006 Decision is a response to a decision made on a Request for Restart of the time for response to an Office action under 37 C.F.R. 1.181, not a decision on a petition to revive under 37 C.F.R. 1.137. This request for refund of any petition fee that was assessed is being made within two months of the September 1, 2006 Decision in accordance with the requirements of 37 C.F.R. 1.26.

The grant of Applicant's February 8, 2006 Request for Restart of the time to pay the issue fee/petition under 37 C.F.R. 1.181 is respectfully requested. In the event a check or Form PTO-2038 for any required fee is inadvertently not enclosed, is insufficient in amount, or inadvertently was not executed, the Commissioner is authorized to charge the Deposit Account of Wisner & Associates, Account No. 50-0965 (GEOA,157) in the amount of any necessary fee. In the event there are questions regarding this filing, it is respectfully requested that the undersigned attorney for Applicant be contacted at the address and phone number set out below.

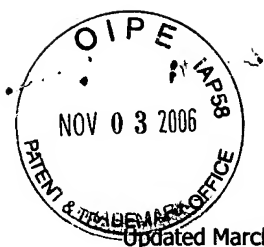
Respectfully submitted,



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ATTORNEY FOR APPLICANT

Date: October 30, 2006



# Docket: Wisner & Associates

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Updated March 2, 2005

Date	File Number	Description	Action
3/15/2005	INTA	SHOULD HAVE <u>DEFINITELY</u> MADE HOTEL RESERVATIONS BY NOW FOR INTA (CAN ALWAYS CANCEL, CALENDAR THE RESERVATION IF GUARANTEED IN CASE WE WILL NEED TO CANCEL) Calendar to also make airline reservations	
3/16/2005	Forrester Ketley's fiscal year end	2 weeks til their fiscal year end March 30. Be sure to make an extra payment by wire transfer in time to be posted and e-mail Valerie to advise!!! (calendar next year)	
3/21/2005	INTA	Membership in International TM Association (INTA) expires (DOCKET NEXT YEAR)	◀ INTA Dues Due
4/1/2005	Computer Backup	(Make hard permanent CD's of all client directories after last day of previous month from main office computer and MRW office computer (also home?) and keep at different location as a backup)	
4/4/2005	GEOA, 148	1 month til ROA (TM) due 5/4/2005 - has MRW reviewed this OA to see if we will need anything from client? Do we need to send OA to client?	
4/8/2005	RAINBOW	RAINBOW website - in our possession	
4/11/2005	GEOA, 148	3 weeks til ROA (TM) due 5/4/2005 - do we need anything from client in order to respond?	
4/12/2005 and every month	Corporate Checking Account	Balance Corporate Checking Account!!!	← Balance Corporate Checking Account against Statement!!!
4/18/2005	GEOA, 148	2 weeks til ROA (TM) due 5/4/2005 - do we need anything from client in order to respond?	
4/25/2005	GEOA, 148	1 week til ROA (TM) due 5/4/2005 - do we need anything from client?	
5/1/2005	Attorney Occupation Tax	1 month til annual Attorney Occupation Tax due <u>in their office</u> by 6/1/2005 (Docket this entry for next year!!!).	
5/1/2005	Maintenance Fees/Annuities	Review next month's maintenance fees/annuities and status of instructions/payment.	
5/1/2005	Maintenance Fees/Annuities	Invoice clients for 3 <sup>rd</sup> quarter maintenance fees/annuities; <u>DOCKET</u> and add to my C:\CP\I\Table - Upcoming Maintenance Fees and Annuities 1-2002.doc (docket next year)	
5/1/2005	Monthly	Review Weekly, Bi-Monthly, and Monthly "To Do" Lists, both Business and Personal. Docket weekly, etc. in my calendar	← Review Business and "To

EXHIBIT

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